



# DIGEST SUPPLEMENT

To Legislative Digest and History of Bills  
**Supplement No. 50\***

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FIFTY-NINTH LEGISLATURE

Monday, March 21, 2005

71st Day - 2005 Regular

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## SENATE

## HOUSE

HB 1016  
HB 1029-S  
HB 1068  
HB 1291-S2  
HB 1640-S  
HB 1903-S  
HB 2185  
HCR 4409

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## SENATE

## HOUSE

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**House Bills**

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**HB 1016** by Representatives Campbell, Kirby, Appleton and Simpson

Limiting when the presence of a dog may affect the availability of homeowner's insurance.

(AS OF HOUSE 2ND READING 3/14/05)

Provides that an insurer licensed to write liability insurance, such as homeowner's insurance, in this state may not deny an application for a homeowner's insurance policy, or cancel, refuse to renew, or modify an existing homeowner's insurance policy, on the basis that the applicant or insured owns or harbors a specific breed of dog on the real property, unless the dog is a dangerous dog as defined in RCW 16.08.070.

Provides that an insurer may require that the insured provide: (1) Written certification from the insured that the dog provides little risk based on the dog's nature and history; and

(2) Written certification that the dog provides little risk based on the dog's nature and history in the form of: (a) A written statement from a licensed veterinarian who may be familiar with the dog in question; or (b) a written statement from a licensed dog trainer from a canine obedience school; or (c) a canine good citizen certificate from the American kennel club.

**-- 2005 REGULAR SESSION --**

Dec 28 Prefiled for introduction.  
 Jan 10 First reading, referred to Financial Institutions & Insurance.  
 Jan 27 FII - Majority; do pass.  
 Jan 31 Passed to Rules Committee for second reading.  
 Mar 2 Placed on second reading by Rules Committee.  
 Mar 14 Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 71; nays, 25; absent, 2.

**- IN THE SENATE -**

Mar 16 First reading, referred to Financial Institutions, Housing & Consumer Protection.

**HB 1029-S** by House Committee on Transportation (originally sponsored by Representatives Simpson, Rodne, B. Sullivan and Anderson)

Regulating ATVs.

(AS OF HOUSE 2ND READING 3/14/05)

Requires the department to adopt standards for and implement a comprehensive all-terrain vehicle safety education and training program. The program must provide for the hands-on training of all-terrain vehicle operators, and for the issuance of all-terrain vehicle safety certificates to operators who successfully complete the training. Course content must be adopted from a curriculum developed by a nationally recognized safety organization, such as the All-

Terrain Vehicle Safety Institute, and approved by the director.

Provides that the department may authorize persons, clubs, associations, municipalities, or other political subdivisions of the state to conduct classes and issue all-terrain vehicle safety certificates in the director's name. Any authorized person, club, association, municipality, or political subdivision may charge a reasonable fee, subject to department approval, for the training course.

Requires that, beginning July 1, 2007, to operate an ATV on public land a person under sixteen years of age must possess a safety certificate issued by the director or by another state or Canadian province. A nonresident who does not possess a safety certificate may operate an ATV on public land for twenty-one days in a calendar year.

Declares that no person may: (1) Cross any interstate or limited access highway;

(2) Operate an all-terrain vehicle on public land, if under sixteen years of age, without continuous adult supervision;

(3) Operate an all-terrain vehicle on public land, if under sixteen years of age, without eye protection and a safety helmet;

(4) Carry a passenger on an all-terrain vehicle on public land unless the ATV is specifically manufactured to accommodate multiple riders.

**-- 2005 REGULAR SESSION --**

Mar 5 TR - Majority; 1st substitute bill be substituted, do pass. Minority; do not pass.  
 Mar 7 Passed to Rules Committee for second reading.  
 Mar 10 Placed on second reading by Rules Committee.  
 Mar 14 1st substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 59; nays, 38; absent, 1.

**- IN THE SENATE -**

Mar 16 First reading, referred to Transportation.

**HB 1068** by Representatives Quall, McDermott and Haigh; by request of Governor Locke and Superintendent of Public Instruction

Eliminating mandatory norm-referenced student assessments.

(AS OF HOUSE 2ND READING 3/14/05)

Finds that the mandatory norm-referenced student assessments eliminated under this act provide information that teachers and parents use to improve student learning. The legislature intends to permit school districts to offer norm-referenced assessments at the districts' own expense and make diagnostic tools available that provide information that is at least as valuable as the information eliminated under this act.

Authorizes school districts to, at their own expense, administer norm-referenced assessments to students.

Provides that, by September 1, 2005, subject to available funds, the office of the superintendent of public instruction shall post on its web site for voluntary use by school districts, a guide of diagnostic assessments.

Provides that, by September 1, 2006, subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall make available to school districts diagnostic assessments that help improve student learning. To the greatest extent possible, the assessments shall be: (1) Aligned to the state's grade level expectations; (2) Individualized to each student's performance level; (3) Administered efficiently to provide results either immediately or within two weeks; (4) Capable of measuring individual student growth over time; and (5) Cost-effective.

Repeals RCW 28A.230.190, 28A.230.193, 28A.230.230, and 28A.230.260.

**-- 2005 REGULAR SESSION --**

Jan 12 First reading, referred to Education.  
 Feb 24 ED - Executive action taken by committee.  
 ED - Majority; do pass.  
 Minority; do not pass.  
 Feb 28 Referred to Appropriations.  
 Mar 5 APP - Executive action taken by committee.  
 APP - Majority; do pass.  
 Minority; do not pass.  
 Mar 7 Passed to Rules Committee for second reading.  
 Mar 8 Made eligible to be placed on second reading.  
 Mar 9 Placed on second reading by Rules Committee.  
 Mar 14 Floor amendment(s) adopted.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 78; nays, 19; absent, 1.

**- IN THE SENATE -**

Mar 16 First reading, referred to Early Learning, K-12 & Higher Education.

**HB 1291-S2** by House Committee on Appropriations (originally sponsored by Representatives Cody, Bailey, Morrell, Hinkle, Green, Moeller, Kessler, Haigh, Linville, Kagi, Santos and Ormsby)

Improving patient safety practices. Revised for 2nd Substitute: Improving health care professional and health care facility patient safety practices.

(AS OF HOUSE 2ND READING 3/14/05)

Finds that: (1) Thousands of patients are injured each year in the United States as a result of medical errors, and that a comprehensive approach is needed to effectively reduce the incidence of medical errors in our health care system. Implementation of proven patient safety strategies can reduce medical errors, and thereby potentially reduce the need for disciplinary actions against licensed health care professionals and facilities, and the frequency and severity of medical malpractice claims; and

(2) Health care providers, health care facilities, and health carriers can and should be supported in their efforts to improve patient safety and reduce medical errors by encouraging health care facilities and providers to communicate openly with patients regarding medical errors that have occurred and steps that can be taken to prevent errors from occurring in the future, encouraging health care

facilities and providers to work cooperatively in their patient safety efforts, and increasing funding available to implement proven patient safety strategies.

Requires the secretary to increase the licensing fee established under RCW 43.70.110 by two dollars for the health care professionals designated in this act and by two dollars per licensed bed for the health care facilities designated. Proceeds of the patient safety fee must be deposited into the patient safety account in this act and dedicated to patient safety and medical error reduction efforts that have been proven to improve, or have a substantial likelihood of improving the quality of care provided by health care professionals and facilities.

Provides that one percent of all attorneys' fees received for representation of claimants or defendants in actions brought under chapter 7.70 RCW that result in payment to a claimant shall be paid as a patient safety set aside. Proceeds of the patient safety set aside will be distributed by the department of health in the form of grants, loans, or other appropriate arrangements to support strategies that have been proven to reduce medical errors and enhance patient safety, or have a substantial likelihood of reducing medical errors and enhancing patient safety, as provided in this act.

Provides that patient safety fee and set aside proceeds shall be administered by the department, after seeking input from health care providers engaged in direct patient care activities, health care facilities, health care provider organizations, and other interested parties.

Provides that, by December 1, 2008, the department shall report the following information to the governor and the health policy and fiscal committees of the legislature: (1) The amount of patient safety fees and set asides deposited to date in the patient safety account;

(2) The criteria for distribution of grants, loans, or other appropriate arrangements under this act; and

(3) A description of the medical error reduction and patient safety grants and loans distributed to date, including the stated performance measures, activities, timelines, and detailed information regarding outcomes for each project.

**-- 2005 REGULAR SESSION --**

Mar 2 APP - Majority; 2nd substitute bill be substituted, do pass.  
 Minority; do not pass.  
 Mar 7 Passed to Rules Committee for second reading.  
 Mar 10 Placed on second reading by Rules Committee.  
 Mar 14 2nd substitute bill substituted.  
 Floor amendment(s) adopted.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 84; nays, 12; absent, 2.

**- IN THE SENATE -**

Mar 16 First reading, referred to Health & Long-Term Care.

**HB 1640-S** by House Committee on Housing (originally sponsored by Representatives Morrell, Chase, Dunn, McCoy, O'Brien, Appleton and Lantz)

Providing a dispute mechanism for manufactured/mobile home landlord and tenant disputes.

(AS OF HOUSE 2ND READING 3/15/05)

Finds that taking legal action against a park owner for violations of the manufactured/mobile home landlord-tenant act can be a costly and lengthy process, and that many people cannot afford to pursue a court process to vindicate statutory rights. Park owners similarly are benefited by having access to a process that resolves disputes quickly and efficiently.

Declares an intent to authorize the department of community, trade, and economic development to: (1) Register mobile home parks or manufactured housing communities and report upon data to the appropriate committees of the legislature by December 31, 2005;

(2) Expand its current ombudsman program by hiring or contracting with additional persons to conduct a greater number of investigations of alleged violations of the manufactured/mobile home landlord-tenant act; and

(3) Collect and report upon data related to conflicts and violations to the appropriate committees of the legislature by December 31, 2005.

Declares that, if after receiving the reports under this act, the legislature finds that the provisions of this act authorizing the department to register mobile/manufactured home communities, investigate complaints, clarify existing law, and work to resolve disputes in good faith voluntarily prove insufficient to adequately protect the rights and responsibilities of mobile home park tenants and owners, it is the intent of the legislature to find other methods for resolution in the future.

Provides that, by December 31, 2005, the department shall submit a summary report of its activities under this act during the period after the effective date of this act, through December 31, 2005, to the house of representatives housing committee and the senate committee on financial institutions, housing and consumer protection, including:

- (1) The number of complaints received;
- (2) The nature and extent of the complaints received;
- (3) The actions taken on each complaint by the department;
- (4) Recommendations on what further changes in law are necessary to resolve disputes;
- (5) Recommendations on changes to the department's ombudsman and investigative programs;
- (6) Recommendations on resources necessary to retain or improve the program; and
- (7) Recommendations on whether a formal mobile/manufactured home landlord-tenant act enforcement and administrative hearing process should be adopted and how such a process should be structured.

Provides that the department must: (1) Compile the most accurate list possible of all the mobile home parks or manufactured housing communities in the state, the number of lots subject to chapter 59.20 RCW located in each mobile home park or manufactured housing community, and the names and addresses of the owners of these parks. The department shall present this list to the house of representatives housing committee and the senate committee on financial institutions, housing and consumer protection by December 31, 2005. The department is encouraged to work with groups including, but not limited to: The office of community development, mobile homeowners' associations, tenant advocacy groups, park owners' associations, and county assessors to generate the list;

(2) Send out notifications to all known mobile home park owners or manufactured housing community owners regarding the due date of the assessment pursuant to this act. These notifications must include information about late fees, liens, and passing costs on to tenants; and

(3) Collect the registration assessment due from all mobile home park owners or manufactured housing community owners, and allow ninety days to pass before late fees and lien notices are sent to noncomplying owners as provided in this act.

Requires the owner of each mobile home park or manufactured housing community to pay to the department a registration assessment of five dollars for each mobile home or manufactured home that is subject to chapter 59.20 RCW within a park or community to fund the costs associated with administering this act. Manufactured housing community owners or mobile home park owners may pass on no more than two dollars and fifty cents of this assessment to tenants.

Provides that, in January 2006, the state treasurer shall transfer any funds remaining in the manufactured/mobile home investigations account under this act to the mobile home affairs account under RCW 59.22.070 for the purposes under RCW 59.22.050.

**-- 2005 REGULAR SESSION --**

- Mar 1 HOUS - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.
- Mar 2 Referred to Appropriations.
- Mar 5 APP - Executive action taken by committee.  
APP - Majority; do pass 1st substitute bill proposed by Select Committee on Hood Canal.  
Minority; do not pass.
- Mar 7 Passed to Rules Committee for second reading.
- Mar 8 Made eligible to be placed on second reading.
- Mar 9 Placed on second reading by Rules Committee.
- Mar 15 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 96; nays, 0; absent, 2.

**- IN THE SENATE -**

- Mar 17 First reading, referred to Financial Institutions, Housing & Consumer Protection.

**HB 1903-S** by House Committee on Capital Budget (originally sponsored by Representatives Ericks, Haler, Linville, Springer, Kilmer, Morrell, O'Brien, Schual-Berke, P. Sullivan, Simpson, Pettigrew, Jarrett, Wallace, Sells, Strow, Grant, Upthegrove, Kessler, Dunn, Fromhold, Appleton, Chase, Green, Moeller, Hasegawa and Takko)

Creating a job development fund. Revised for 1st Substitute: Providing funds to stimulate community and economic development.

(AS OF HOUSE 2ND READING 3/15/05)

Recognizes the vital importance of economic development to the health and prosperity of Washington state as indicated in RCW 43.160.010, 43.155.070(4)(g), 43.163.005, and 43.168.010.

Finds that current economic development programs and funding, which are primarily low-interest loan programs,

can be enhanced by creating a grant program to assist local governments with public infrastructure projects that directly stimulate community and economic development by facilitating the creation of new jobs or the retention of existing jobs.

Provides that, in administering the job development fund, the board shall establish a competitive process to request and prioritize proposals for public infrastructure projects, the primary objective of which is to stimulate community and economic development through development or redevelopment of an area.

Requires the board to conduct a statewide request for project applications from political subdivisions or federally recognized Indian tribes in partnership with a political subdivision. The board shall develop criteria on which to evaluate and rank applications, and shall develop performance and evaluation criteria to review how well successful applicants met the community and economic development objectives stated in their applications. Among the priorities for ranking projects, the board shall include consideration of: (1) The relative benefits provided to the community by the jobs the project would create, including, but not limited to: (a) The total number of jobs; (b) the total number of full-time, family wage jobs; (c) the unemployment rate in the area; and (d) the increase in employment in comparison to total community population;

(2) The present level of economic activity in the community and the existing local financial capacity to increase economic activity in the community;

(3) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project;

(4) The lack of another timely source of funding available to finance the project which would likely prevent the proposed community or economic development, absent the financing available under this act;

(5) The ability of the project to improve the viability of existing business entities in the project area; and

(6) Whether or not the project is a partnership of multiple jurisdictions.

Provides that, beginning September 1, 2010, and continuing every five years thereafter, the joint legislative audit and review committee shall submit a report to the appropriate committees of the legislature. The report, at a minimum, should evaluate the effectiveness of the job development fund grant program, including a project by project review. The report should include information regarding the criteria and performance measures used, whether the performance measures were met, and how the funds were used.

Provides that, beginning July 1, 2007, fifty million dollars from the public works assistance account will be appropriated each biennium for the job development fund program grants and administrative expenses.

**-- 2005 REGULAR SESSION --**

- Mar 7 CB - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.  
Passed to Rules Committee for second reading.
- Mar 9 Placed on second reading by Rules Committee.
- Mar 15 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 54; nays, 41; absent, 3.

**- IN THE SENATE -**

- Mar 17 First reading, referred to International Trade & Economic Development.

**HB 2185** by Representatives Newhouse, Conway and Condotta

Establishing residence modifications standards.

**(AS OF HOUSE 2ND READING 3/15/05)**

Finds that there is a need to improve the standards under which the department provides residence modification assistance to workers who have sustained catastrophic injury.

Requires the director to adopt rules that take effect no later than nine months after the effective date of this act to establish standards for residence modification pursuant to RCW 51.36.020(7).

Requires the director to report by January 1, 2006, to the appropriate committees of the legislature on the rules adopted under this act.

**-- 2005 REGULAR SESSION --**

- Feb 22 First reading, referred to Commerce & Labor.
- Mar 2 CL - Executive action taken by committee.  
CL - Majority; do pass.  
Passed to Rules Committee for second reading.
- Mar 10 Placed on second reading by Rules Committee.
- Mar 15 Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 96; nays, 0; absent, 2.
- IN THE SENATE -**
- Mar 17 First reading, referred to Labor, Commerce, Research & Development.

**House Concurrent Resolutions**

**HCR 4409** by Representatives Kagi and Chase

Creating the homeowners' association act committee.

Creates the homeowners' association act committee.

Requires the committee to examine the issues referenced in this resolution and whether any changes should be made to the homeowners' association act. The committee shall deliver a report of its findings and conclusions and any proposed implementing legislation to the appropriate committees of the Senate and House of Representatives not later than December 31, 2005.

**-- 2005 REGULAR SESSION --**

- Mar 18 First reading, referred to Rules.